

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

SAMANTHA WILKS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-18-080-KEW
	)	
BNSF RAILWAY COMPANY,	)	
a corporation,	)	
	)	
Defendant.	)	

**O R D E R**

This matter comes before the Court on Defendant's Sixth Motion in Limine (Docket Entry #146). Defendant BNSF Railway Company ("BNSF") seeks to preclude Plaintiff from introducing evidence or argument regarding child support, being a sole provider or single parent, and receiving government benefits. BNSF states that Plaintiff testified at her deposition that she receives food stamps and child support, "when he feels like paying me." BNSF contends this type of testimony gives the impression that Plaintiff is destitute and the sole provider for her daughter when, in fact, her boyfriend shares custody of the child. Plaintiff asserts the evidence may be relevant to the issue of mitigation since she was limited in the type and scheduling of work due to her child.

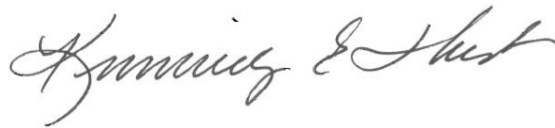
Additionally, Plaintiff is on SoonerCare or a similar government health assistance program. Plaintiff contends the evidence may be relevant if BNSF attacks her sporadic care when

she was awaiting health care availability due to the assistance program.

In most contemplated instances, this evidence would be prejudicial to BNSF and irrelevant to the claims for damages asserted in this action. However, there may be a narrow set of circumstances on rebuttal where the evidence would be required to be introduced to provide the jury with the full and complete set of facts necessary to ascertain Plaintiff's damages, if any are assessed. For that reason, the motion will be denied subject to re-urging by Defendant at trial. Plaintiff's counsel is admonished that before allowing a witness to testify to these facts, he should approach the bench and advise the Court and opposing counsel of the basis for its necessity.

IT IS THEREFORE ORDERED that Defendant's Sixth Motion in Limine (Docket Entry #146) is hereby **DENIED**, subject to re-urging at trial.

IT IS SO ORDERED this 30<sup>th</sup> day of March, 2021.

A handwritten signature in cursive script, appearing to read "Kimberly E. West", written in black ink.

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KIMBERLY E. WEST  
UNITED STATES MAGISTRATE JUDGE